



Memorandum

TO: Rules and Open Government
Committee

FROM: Mayor Chuck Reed

SUBJECT: POLICE RECRUITS

DATE: October 21, 2014

APPROVED:

Chuck Reed

DATE:

10/22/14

RECOMMENDATION

1. That the Rules and Open Government Committee, place the following matters on the City Council agenda for November 4, 2014:
 - a. Appointment of an independent investigator to investigate the recruiting, hiring and training process for the last three police academies to determine:
 - If city employees have engaged in improper activities to suppress the number of new officers joining the San Jose Police Department and to induce new officers to leave the department while in training;
 - If improper activities took place on city-paid time, used city facilities or communication systems;
 - If allegations about statements made to the current academy class by the president of the Police Officers' Association, as alleged by Elyse Rivas, in the San Jose Mercury News, October 19, 2014, p.A19, are true;
 - If the alleged statements, which were made to the academy class during an official city training program, violated the California laws prohibiting the use of city resources for campaign activity; and
 - If any other laws, ethical codes, or city policies have been violated by city employees in the recruiting, hiring and training process.
 - b. Appointment of a City Council Ad Hoc Committee to manage the investigation until the results are brought back to the full Council for review and action.

RULES AND OPEN GOVERNMENT COMMITTEE

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2. That the Rules and Open Government Committee direct the City Attorney to put all city employees on notice of an investigation hold on documents to prevent the deletion or destruction of any records potentially relevant to the investigation and to be prepared to recommend an investigator to the Council on November 4, 2014.
3. That the Rules and Open Government Committee discuss and make recommendations to the City Council regarding the scope, methodology and procedures for the investigation and for the Ad Hoc Council Committee process and membership.

BACKGROUND

The San Jose Mercury News recently published allegations of a woman who was a recruit in our police academy about statements made by the president of the police union during an officially sanctioned presentation on the first day of training:

“He said that our employment with the department did not help the POA's cause in proving Measure B was killing the department's recruitment capabilities. He urged us to find jobs elsewhere.” (Elyse Rivas, San Jose Mercury News, October 19, 2014, p.A19)

If true, such statements would be a disturbing breach of trust, a violation of our ethical code, and an effort to sabotage the San Jose Police Department for political or personal gains. If they are part of a broader, coordinated effort by the POA to undermine the recruiting and hiring process, appropriate action should be taken by the Council, after the facts have been investigated, to deal with systemic problems, policy issues, or procedural changes. Any disciplinary actions for individuals that might be appropriate would be the responsibility of the City Manager in accordance with personnel rules.

Because these allegations arise out of actions of the San Jose Police Officers' Association, which represents all police officers, except the Chief and Assistant Chief, and nearly all members of the San Jose Police Department are dues paying members of the Police Officers' Association, a conflict of interest makes it necessary to have an outside investigation.